IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

W.P(C).No. 35789 of 2007(I)

PETITIONER:

K.P.SIVADASAN , CLASSIC SILKS & SAREES, KODUVAYUR.

BY ADV. SRI.T.R.RAJAN

RESPONDENTS:

1. **THE DEPUTY COMMISSIONER (APPEALS), DEPARTMENT OF COMMERCIAL TAXES, ERNAKULAM.**

2. **ASST. COMMISSIONER (AA) I, COMMERCIAL TAXES, 1ST FLOOR, NINAN'S COMPLEX, METTUPALAYAM STREET, PALAKKAD.**

BY GOVT. PLEADER, SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35789 OF 2007 - I

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Dated this the 4th day of December, 2007

J U D G M E N T

Ext. P1 is the order of assessment issued to the petitioner for the assessment year 2006-07 against which the petitioner has filed Ext. P2 appeal before the 1st respondent. Petitioner has also filed an application for stay evidenced by Ext. P3. Petitioner apprehends that revenue recovery proceedings will be initiated for realising the dues and hence this writ petition.

2. In view of the fact that the appeal and the stay petition are pending consideration before the 1st respondent, I dispose of this writ petition directing that the 1st respondent shall consider Ext. P3 stay petition filed by the petitioner as expeditiously as possible, at any rate within three weeks of receipt of a copy of this judgment. In the meantime further proceedings for recovery of any amount due under Ext. P1 shall be deferred for a period of 4 weeks.

Petitioner shall produce a copy of this judgment before the 1st respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-